

Message Text

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ORIGIN L-03

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FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: IR

SUBJECT: GOI REQUEST RE: BILATERAL AGREEMENT ON BRIBERY

REF: TEHRAN 1461

1. BELOW IS TEXT OF A SAMPLE BILATERAL AGREEMENT ON
EXCHANGE OF INFORMATION REGARDING LOCKHEED ACTIVITIES.
SIMILAR AGREEMENTS HAVE BEEN ENTERED INTO BETWEEN U.S.
DEPARTMENT OF JUSTICE AND ITS COUNTERPART AGENCIES OF 12
OTHER COUNTRIES.

2. SAMPLE TEXT OF AGREEMENT IS AS FOLLOWS:QUOTE:

PROCEDURES FOR MUTUAL ASSISTANCE IN ADMINISTRATION OF
JUSTICE IN CONNECTION WITH THE LOCKHEED AIRCRAFT CORPORA-
TION MATTER.

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-- THE UNITED STATES DEPARTMENT OF JUSTICE AND THE MINISTRY
OF JUSTICE OF JAPAN, HEREINAFTER REFERRED TO AS "THE
PARTIES", CONFIRM THE FOLLOWING PROCEDURES IN REGARD TO
MUTUAL ASSISTANCE TO BE RENDERED TO AGENCIES WITH LAW
ENFORCEMENT RESPONSIBILITIES IN THEIR RESPECTIVE COUNTRIES
WITH RESPECT TO ALLEGED ILLICIT ACTS PERTAINING TO THE

SALES ACTIVITIES IN JAPAN OF THE LOCKHEED AIRCRAFT CORPORATION AND ITS SUBSIDIARIES OR AFFILIATES.

1. ALL REQUESTS FOR ASSISTANCE SHALL BE COMMUNICATED DIRECTLY BETWEEN THE PARTIES.

2. UPON REQUEST, THE PARTIES SHALL USE THEIR BEST EFFORTS TO MAKE AVAILABLE TO EACH OTHER RELEVANT AND MATERIAL INFORMATION, SUCH AS STATEMENTS, DEPOSITIONS, DOCUMENTS, BUSINESS RECORDS, CORRESPONDENCE OR OTHER MATERIALS, AVAILABLE TO THEM CONCERNING ALLEGED ILLICIT ACTS PERTAINING TO THE SALES ACTIVITIES IN JAPAN OF THE LOCKHEED AIRCRAFT CORPORATION AND ITS SUBSIDIARIES OR AFFILIATES.

3. SUCH INFORMATION SHALL BE USED EXCLUSIVELY FOR PURPOSES OF INVESTIGATION CONDUCTED BY AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES AND IN ENSUING LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE.

4. EXCEPT AS PROVIDED IN PARAGRAPH 5, ALL SUCH INFORMATION MADE AVAILABLE BY THE PARTIES PURSUANT TO THESE PROCEDURES, AND ALL CORRESPONDENCE BETWEEN THE PARTIES RELATING TO SUCH INFORMATION AND TO THE IMPLEMENTATION OF THESE PROCEDURES, SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO THIRD PARTIES OR TO GOVERNMENT AGENCIES HAVING NO LAW ENFORCEMENT RESPONSIBILITIES. DISCLOSURE TO OTHER AGENCIES HAVING LAW ENFORCEMENT RESPONSIBILITIES SHALL BE CONDITIONED ON THE RECIPIENT AGENCY'S ACCEPTANCE OF THE TERMS SET FORTH HEREIN.

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-- IN THE EVENT OF BREACH OF CONFIDENTIALITY, THE OTHER PARTY MAY DISCONTINUE COOPERATION UNDER THESE PROCEDURES.

5. INFORMATION MADE AVAILABLE PURSUANT TO THESE PROCEDURES MAY BE USED FREELY IN ENSUING LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, IN THE REQUESTING STATE IN WHICH AN AGENCY OF THE REQUESTING STATE HAVING LAW ENFORCEMENT RESPONSIBILITIES IS A PARTY, AND THE PARTIES SHALL USE THEIR BEST EFFORTS TO FURNISH THE INFORMATION FOR PURPOSES OF SUCH LEGAL PROCEEDINGS IN SUCH FORM AS TO RENDER IT ADMISSIBLE PURSUANT TO THE RULES OF EVIDENCE IN EXISTENCE IN THE REQUESTING STATE, INCLUDING, BUT NOT LIMITED TO, CERTIFICATIONS, AUTHENTICATIONS, AND SUCH OTHER ASSISTANCE AS MAY BE NECESSARY TO PROVIDE THE FOUNDATION FOR THE ADMISSIBILITY OF EVIDENCE.

6. THE PARTIES SHALL GIVE ADVANCE NOTICE PRIOR TO THE INSTITUTION OF LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, IN WHICH INFORMATION MADE AVAILABLE

PURSUANT TO THESE PROCEDURES IS INTENDED TO BE USED.

7. THE PARTIES SHALL USE THEIR BEST EFFORTS TO ASSIST IN THE EXPEDITIOUS EXECUTION OF LETTERS ROGATORY ISSUED BY THE JUDICIAL AUTHORITIES OF THEIR RESPECTIVE COUNTRIES IN CONNECTION WITH LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, WHICH MAY ENSUE IN THEIR RESPECTIVE COUNTRIES.

8. THE ASSISTANCE TO BE RENDERED TO A REQUESTING STATE SHALL NOT BE REQUIRED TO EXTEND TO SUCH ACTS BY THE AUTHORITIES OF THE REQUESTED STATE AS MIGHT RESULT IN THE IMMUNIZATION OF ANY PERSON FROM PROSECUTION IN THE REQUESTED STATE.

9. ALL ACTIONS TO BE TAKEN BY A REQUESTED STATE WILL BE PERFORMED SUBJECT TO ALL LIMITATIONS IMPOSED BY ITS LIMITED OFFICIAL USE

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DOMESTIC LAW. EXECUTION OF A REQUEST FOR ASSISTANCE MAY BE POSTPONED OR DENIED IF EXECUTION WOULD INTERFERE WITH ONGOING INVESTIGATIONS OR LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, IN THE REQUESTED STATE.

10. NOTHING CONTAINED HEREIN SHALL LIMIT THE RIGHTS OF THE PARTIES TO UTILIZE FOR ANY PURPOSE INFORMATION WHICH IS OBTAINED BY THE PARTIES INDEPENDENT OF THESE PROCEDURES.

11. THE MUTUAL ASSISTANCE TO BE RENDERED BY THE PARTIES PURSUANT TO THESE PROCEDURES IS DESIGNED SOLELY FOR THE BENEFIT OF THEIR RESPECTIVE AGENCIES HAVING LAW ENFORCEMENT RESPONSIBILITIES AND IS NOT INTENDED OR DESIGNED TO BENEFIT THIRD PARTIES, OR TO AFFECT THE ADMISSIBILITY OF EVIDENCE UNDER THE LAWS OF EITHER THE UNITED STATES OR JAPAN. END QUOTE.

12. FURTHER BACKGROUND BEING SENT BY SEPTTEL.
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Sent Date: 15-Feb-1977 12:00:00 am
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